

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application) PATENT APPLICATION
Inventor(s): Linda G. Lee, et al.)
Application No.: 08/726,462)
Filed: October 4, 1996)
Title: ENERGY TRANSFER DYES WITH ENHANCED)
FLUORESCENCE)

DECLARATION FOR PATENT APPLICATION
(CONTINUATION-IN-PART)

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if one name is listed below), first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ENERGY TRANSFER DYES WITH ENHANCED FLUORESCENCE

the specification of which (check applicable ones):

is attached hereto;

was filed with the above-identified "Filed" date and "SC/Serial No."

was amended on (or amended through).

The present application is a continuation-in-part of Prior Application, Application No. 08/642,330, filed: May 3, 1996 and Application No. 08/672,196, filed: June 27, 1996 may be considered to disclose and claim subject matter in addition to that disclosed in the Prior Application, and I hereby claim the benefit of 35 U.S.C. Section 120.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of the application in accordance with Title 37, Code of Federal Regulations, §1.56, including information which became available between the filing date of the Prior Application and the national or PCT international filing date of the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

(1) Full name of sole
or first inventor: Linda G. Lee

(1) Residence: 3187 Stelling Drive
Palo Alto, CA 94303

(1) Post Office Address: same

(1) Citizenship: U.S.A.

(1) Inventor's signature: Linda G. Lee

(1) Date: 12-3-96

(2) Full name of second
joint inventor: Sandra L. Spurgeon

(2) Residence: 3361 Los Prados Street
San Mateo, CA 94403

(2) Post Office Address: same

(2) Citizenship: U.S.A.

(2) Inventor's signature: Sandra L. Spurgeon

(2) Date: 12-3-96

(3) Full name of third
joint inventor: Barnett Rosenblum

(3) Residence: 1521 Estelle Avenue
San Jose, CA 95118

(3) Post Office Address: same

(3) Citizenship: U.S.A.

(3) Inventor's signature: Barnett Rosenblum

(3) Date: 12-3-96

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

IN RE PATENT APPLICATION OF)
Linda G. Lee, et al.) Examiner: Not Yet Assigned
Application No. 08/726,462) Group Art Unit: Not Yet Assigned
Filing Date: October 4, 1996)
Title: ENERGY TRANSFER DYES WITH)
ENHANCED FLUORESCENCE)

)

POWER OF ATTORNEY BY ASSIGNEE
TO EXCLUSION OF INVENTOR UNDER 37 C.F.R. § 3.71
WITH REVOCATION OF PRIOR POWERS

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

The undersigned ASSIGNEE of the entire interest in the above-identified application for letters patent hereby appoints Paul Davis, Reg. No. 29,294, Mark A. Haynes, Reg. No. 30,846, Stephen C. Durant, Reg. No. 31,506, Michael Hetherington, Reg. No. 32,357, Charles D. Holland, Reg. No. 35,196, Hark C. Chan, Reg. No. 35,477, Charles C. Carey, Reg. No. 36,764, Michael J. Panepucci, 37,203, Michael J. Murphy, Reg. No. 37,404, David J. Weitz, Reg. No. 38,362, and Kent R. Richardson, Reg. No. 39,443, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or

the Assignment recorded on _____ at reel ___, frames ___ - ___.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all telephone calls to David J. Weitz at (415) 493-9300

Address all correspondence to:

David J. Weitz, Esq.
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1505
(415)493-9300

ASSIGNEE: The Perkin-Elmer Corporation

Name: Michael Hunkapillar
(Signature)

Name: Michael Hunkapillar

Title: Vice President

Date: 12-3-96

JOINT TO CORPORATE ASSIGNMENT

WHEREAS, the undersigned,

(1) Linda G. Lee

(2) Sandra L. Spurgeon

(3) Barnett Rosenblum

(hereinafter termed "Inventors"), residents of

(1) 3187 Stelling Drive

(2) 3361 Los Prados Street

(3) 1521 Estelle Avenue

respectively, Cities of

(1) Palo Alto

(2) San Mateo

(3) San Jose

respectively, States of

(1) California

(2) California

(3) California

(4) _____

respectively, have invented certain new and useful improvements in:

and have executed a declaration or oath for an application for a United States patent disclosing and identifying the invention:

— On the

(1) ____ day of _____, 1995;

(2) ____ day of _____, 1995;

(3) ____ day of _____, 1995;

(4) ____ day of _____, 1995.

respectively;

Or

Said application having Application Number 08/726,462 and filed on the 4th day of October, 1996.

WHEREAS The Perkin Elmer Corporation (hereinafter termed "Assignee"), a corporation of New York, having a place of business at 850 Lincoln Centre Drive, Foster City, California 94404 wishes to acquire the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, certificates of invention and other forms of protection thereon (hereinafter termed "patents" applied for or granted in the United States and/or other countries.

NOW THEREFORE, for good and valuable consideration acknowledged by each of said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey to said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply in any or all countries of the world for patents, certificates of inventions or other governmental grants on

said invention, including the right to apply for patents pursuant to the International Convention for the Protection of Industrial Property or pursuant to any other convention, treaty, agreement or understanding; (c) in and to any and all applications filed and any and all patents, certificates of inventions or other governmental grants granted on said invention in the United States or any other country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; (d) in and to each and every reissue or extension of any of said patents; and (e) in and to each and every patent claim resulting from a reexamination certificate for any and all of said patents.

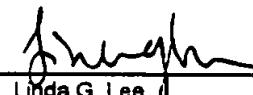
2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and other countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, executing of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for complying with any duty of disclosure; (c) for prosecuting any of said applications; (d) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (e) for filing and prosecuting applications for reissue of any of said patents; (f) for interference or other priority proceedings involving said invention; and (g) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, reexamination proceedings, compulsory licensing proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee on the date of acknowledgment before the Notary Public as given below.

(1)

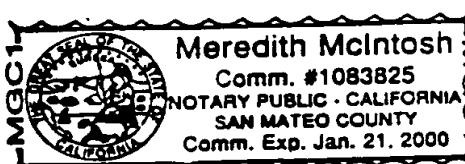

Linda G. Lee

(1) State of California
County of San Mateo

On 12-3-96 before me, Meredith McIntosh, Notary Public personally appeared Linda G. Lee, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Meredith McIntosh
Signature



(2) Sandra L. Spurgeon
Sandra L. Spurgeon

(2) State of California
County of San Mateo

On 12-3-96 before me, Meredith McIntosh, notary public personally appeared Sandra L. Spurgeon, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Meredith McIntosh

Signature



(3) Barnett Rosenblum
Barnett Rosenblum

(3) State of California
County of San Mateo

On 12-3-96 before me, Meredith McIntosh, notary public personally appeared Barnett Rosenblum, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Meredith McIntosh

Signature

